

REMARKS

Claims 34-79 have been withdrawn in response to the Restriction Requirement under 35 U.S.C. § 121 and per the agreement reached in a telephone conversation with the Examiner on March 23, 2004. Group I, Species I, including claims 1-33, remain pending in the application. Claims 4, 5, 7 and 9 have been canceled. Claims 1, 11 and 12 have been amended and new claims 80 and 81 have been added. Claims 1-3, 6, 8, 10-33 and 80-81 are now pending in the application. Reconsideration is requested.

Claims 11 and 12 have been amended to correct the misspelling of "palladium," "iridium," and "antioxidants."

No new matter has been added with the addition of new claims 80 and 81. Support for claim 80 is found on page 6, lines 16-18 and in the figures, and support for claim 81 can be found on page 14, lines 3-6.

The abstract has been amended in response to the Examiner's objection.

Claims 4 and 5 have been rejected under 35 U.S.C. § 112. Claims 4 and 5 have been canceled, therefore the rejection is now moot.

The drawings have been objected to under 37 C.F.R. § 1.83(a) with respect to the recitation of the word "slots" in the claims, not being shown in the drawings. Claim 9 which contains the word "slots," has been canceled. Therefore the objection to the drawings has been obviated.

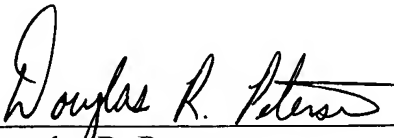
Claims 1-3, 6, 8, 10-27 and 33 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,350,277 (Kocur). The stent disclosed in the Kocur patent is a self-expanding stent and the polymer coil retaining (retaining segments 115) the stent has a first diameter, but does not have a second diameter because it is designed to rupture when the stent expands. The retaining segments 115 are designed to hold the stent in a reduced diameter configuration and further are designed to rupture or break when the stent self-expands. Claim 1 of the present application has been amended to more clearly define the invention. More specifically, the polymer coil which has a first delivery diameter and a second implanted expanded diameter, has been amended to specify that the coil links "at least some of the metallic cylindrical rings before and after the expansion thereof to the second implanted diameter." The structure and function of the self-expanding stent disclosed in the prior art Kocur patent is substantially different than the structure and function of the stent of the present invention. As amended, it is believed that Claim 1 is patentably distinguishable over the Kocur patent. Further, Claims 2, 3, 6, 8, 10-27, and 33, which depend directly or indirectly from Claim 1, are patentably distinguishable over the Kocur patent for the same reasons. It is respectfully requested that the rejection under § 103(e) be withdrawn.

Claims 7, 9 and 28-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kocur. Claims 7 and 9 have been canceled. Claims 28-32 depend directly from Claim 1, and accordingly are patentable over Kocur for the reasons previously stated. As acknowledged by the Examiner, Kocur fails to disclose material associated with the stent to enhance the radiopacity. Since there is no teaching or disclosure, nor is there a suggestion in the Kocur patent, or any prior art reference cited by the Examiner to enhance radiopacity, it is respectfully requested that the § 103(a) rejection be withdrawn.

New claims 80 and 81 depend from claim 1 and, are therefore, also patentable over Kocur.

It is respectfully urged that claims 1-3, 6, 8, 10-33, 80, and 81 be allowed over the prior art. The undersigned can be reached at (310) 824-5555 to facilitate prosecution of the application.

Respectfully submitted,
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